1952.

File No. O. Press (Objectionable Matter)/52

Legal Department

A BRANCH

Subject:— Opinions under the Indian Press (Objectionable Matter) Act, 1951

F-95/E

File No. O. Press (Objectionable Matter)/52

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157-A

C O N T E N T S.

Legal Department File No. O. Press (Objectionable Matters/52.)

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Bale.M.S. 917

C O N T E N T S.

Legal Department File No. O.Press (Objectionable Matters/52).

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Bele.M.S.

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Rele.M.S.

Office of the R.L.A.

The view taken by the Home Department that section 319, Criminal Procedure Code, 1898, applies to the preparation of the list of jurors under section 20 of the Indian Press (Objectionable Matter) Act, 1951, and that the consent of the proposed jurors is not necessary is correct.

Id/-
18/1.
Remembrancer of Legal Affairs.

U.R. to H.D. No. 802, dated the 18th January 1952.

MSR.
19/6.

Office of the R.L.A.

Of the three articles, the first two are of the year 1951, to which the Press (Objectionable Matter) Act, 1951, which came into force on 1st February 1952, will not be applicable. The third is dated 1-2-1952, the date on which the Act came into force. The primary object of that article is not to promote feelings of enmity or hatred between Maharashtrians and Kannadigas but to criticise the working of the Department and the Hon'ble Minister's actions as having been inspired by a pro-Kannadiaga bias. Action under section 3(v) will not, therefore, be legally feasible. It is a matter for consideration whether action for defamation should be taken by the Hon'ble Minister. Such action is not ordinarily expedient.

Id/-

1/4.

Remembrancer of Legal Affairs.

U.R. to A. & F.D., No. 319-Confl., dated the 2nd April 1952.

MSR.
19/6.

Office of the R.L.A.

The view of Secretary, Home Department that the cartoons are not actionable is correct. The first cartoon is aimed at concentration of power. The object is to show that the concentration leads to a scramble for favours. Moulana Azad is no doubt shown as a dog but by that idea sought to be conveyed probably is that of all he is the most faithful to his master. The second cartoon is aimed at showing that political unions based on superficial agreement are not lasting and are likely to do harm. It is not unusual to depict male characters in female form and their offers for cooperation as blandishments. The cartoon cannot be said to be grossly indecent when read in the light of the note at the foot of the cartoon. The third cartoon is a fling at film actresses in general and is in bad taste but not actionable.

Id/-
8/5.

Remembrancer of Legal Affairs.

U.R. to H.D. No. 7348, dated the 9th May 1952.

MER.
19/6.

Office of the R.L.A.

The article no doubt criticises the present Honourable Chief Minister and Shri B.G. Kher but read as a whole and in a fair, free and liberal spirit, not dwelling too much upon isolated passages or upon a strong or vulgar word or expression here and there, it cannot be said that the article is scurrilous.

Id/-
26/5
Remembrancer of Legal Affairs.

U.R. to H.D., No. 8827, dated the 27th May 1952.

MSR.
19/6.

Office of the R.L.A.

The Story 'Badal Hava' (wanted a change) and the story under the title Kandeva-chya-katha are both obscene. Action may be taken under section 11 of the Press (Objectionable Matter) Act, 1950.

Id/-
8/6.
Remembrancer of Legal Affairs.

U.R. to H.D.No. 504-Confl., dated the 3rd June 1952.

MSR.
19/6.

Office of the R.L.A.

The general question referred to the R.L.A. for advice is whether it is desirable for the Hon'ble Ministers to commence proceedings for defamation. Presumably, such proceedings are in respect of official acts and conduct. One main difficulty which will be experienced in proceedings of this kind is that the advice given by the Ministers cannot really be disclosed to the Court since by an express provision of the Constitution (Article 163(3)) it is put beyond the inquiry of the Court. Similarly, in practice it would be difficult to pursue such proceedings without leading to a disclosure even of official secrets. Apart from these difficulties it does not seem expedient to commence proceedings for defamation since irresponsible persons will be only too glad to drag Ministers in such proceedings so that they can be made to face any kind of cross-examination. Unless, therefore, the imputation is one which in public interests cannot be repelled except by proceedings for defamation, it would not seem expedient to commence such proceedings. In the great majority of cases official refutations should meet the purpose or if the attacks are scurrilous, action under section 3(vi) of the Press (Objectionable Matter) Act, 1951, can be taken.

Id/-

12/5.

Remembrancer of Legal Affairs.

U.R. to H.D. No. 456-Confl., dated the 13th May 1952.

MSR.
19/6.

Office of the R.L.A.

The general question referred to the R.L.A. for advice is whether it is desirable for the Hon'ble Ministers to commence proceedings for defamation. Presumably, such proceedings are in respect of official acts and conduct. One main difficulty which will be experienced in proceedings of this kind is that the advice given by the Ministers cannot really be disclosed to the Court since by an express provision of the Constitution (Article 163(3)) it is put beyond the inquiry of the Court. Similarly, in practice it would be difficult to pursue such proceedings without leading to a disclosure even of offical secrets. Apart from these difficulties it does not seem expedient to commence proceedings for defamation since irresponsible persons will be only too glad to drag Ministers in such proceedings so that they can be made to face any kind of cross-examination. Unless, therefore, the imputation is one which in public interests cannot be repelled except by proceedings for defamation, it would not seem expedient to commence such proceedings. In the great majority of cases official refutations should meet the purpose or if the attacks are scurrilous, action under section 3(vi) of the Press (Objectionable Matter) Act, 1951, can be taken.

Id/-

12/5.

Remembrancer of Legal Affairs.

U.R. to H.D. No. 436-Confl., dated the 13th May 1952.

MSR.
19/5.

Office of the R.L.A.

Attention is invited to R.L.A's opinion No.478 Confl. dated the 24th May 1952. For the reasons given in that opinion, it is clear that the notification in question issued by Government under section 19 of the I.P. (E.P.) Act has lapsed after coming into force of the Press (O.M.) Act, 1951 as the same cannot be said to be consistent with the provisions of the new Act. The view taken by the H.D. (Political) in its note dated 10th April 1952 is correct.

Id/-
28/5
Remembrancer of Legal Affairs.

U.R. to H.D. No. 492-Confl., dated the
29th May 1952.

MSR.
20/6.

Office of the R.L.A.

Forfeiture of book-Press (Objectionable Matter) Act, 1951-Sections 3 & 11.

The notification in question was issued under the In-dian Press (E.P.)Act, 1931, which Act has now been repealed by section 37 of the Press (Objectionable Matter) Act, 1951. There is no express provision in the Act saving notifications issued under the repealed Act and in the circumstances a reference must be made to the provisions of section 24 of the General Clauses Act, 1897. That section enacts that where any Central Act is repealed and re-enacted, with or without modifications then, unless it is otherwise expressly provided, any appointment, notification, order, scheme etc. issued under the repealed Act, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions re-enacted, unless and until it is superseded by any appointment, notification, etc. made or issued under the provisions so re-enacted. The old notification issued under the provisions of section 19 of the Indian Press (E.P.)Act, 1931, cannot be held to be consistent with the new provisions of section 11 of the Press (Objectionable Matter Act, 1951. In the first place, the provisions and scope of section 4(1)(c) of the Indian Press (E.P.) Act, 1931, within the purview of which the booklet came, were wider than he corresponding provisions of section 3(iv) of the Press (Objectionable Matter) Act, 1951. Under the former a mere tendency, direct or indirect, was sufficient for action whereas before any action can be taken under the new Act, it must be made out that there is likelihood of the

consequences mentioned in the section (Cf. R.L.A.'s opinion No.19958 dated 15-12-1951). Secondly, before action for forfeiture can be taken under section 11, the State Government is under an obligation to obtain a certificate from the Advocate General or the principal law officer, that the book contains objectionable matter. This provision was not in existence in section 19 of the repealed Act. In view of these circumstances, the notification in question cannot be held to be consistent with the new provisions and consequently it would not remain operative after coming into force of the new Act.

2. The next question for consideration is whether a ~~cumu~~certificate from the Advocate General is necessary in each and every case inview of the practice followed by Government of consulting the R.L.A. before any action is taken. Section 11 of the Press (Objectionable Matter) Act, 1951, enacts that the State Government may, on the certificate of the Advocate General or the principal law officer, as the case may be, of the State, that any issue of a newspaper or news-sheet or any book, or other document, wherever made, contains any objectionable matter, by notification in the Official Gazette, stating the grounds for the order, declare that every copy of such issue of the newspaper or news-sheet or of such book or document shall be forfeited to the Government. The words "as the case may be" show that in States where there is an Advocate General - as there must be in a Part A State under article 165 of the Constitution - his certificate must be obtained and not of any other law officer.

3. The R.L.A. feels that we should approach the Advocate General for a certificate in this case The case will be forwarded to him afer it is returned by H.D. for that purpose.

Id/-
25/5
Remembrancer of Legal Affairs.

U.R. to H.D., No.478-Confl., dated the 24th May 1952.

MSR. 1

Office of the R.L.A.

Forwarded with compliments to the Advocate General, Bombay, for favour of his certificate under section 11 of the Press (Objectionable Matter Act, 1951.

2. Looking to the consistent policy of this publication we should hold this story obscene. We may put that on the ground that the sole purpose of the story is to arouse libidinous thoughts, particularly in the minds of the immature reader.

Ia/-

5/6.

Remembrancer of Legal Affairs.

U.R. to the Advocate General, Bombay, No.518-Confl. dated the 6th June 1952.

MSR.
20/6.

No.6 of 1952.

Advocate General's Chambers,
High Court,
Bombay, 17th June 1952.

U.R. TO THE ADVOCATE GENERAL.
NO.818-Confl., dated 6th June, 1952.

I am of opinion that the story published in the issue of 'UNMAD' for the month of April 1952 under the heading "Call of Youth" contains passages at pg. 109 - 111 which have a tendancy to corrupt young persons who may read the same. Those passages are likely to arouse libidinour thoughts in the minds of an immature reader.

Under section 11 of the Press (Objectionable Matter -s) Act, 1951, (Act LVI of 1951) I grant certificate that the passages at pg. 109 - 111 of the story under the heading "Call of Youth" published in the issue of 'UNMAD' for the month of April 1952 contain objectionable matter.

Sd/- M.P. AMIN.
THE ADVOCATE GENERAL OF BOMBAY.

MSR.
20/6.

Office of the R.L.A.

The certificate of the Advocate General under section 11 of the Press (Objectionable Matter) Act, 1951, has been received and is forearded.

A revised draft of the notification under section 11 of the Act is also forwarded.

The Home Department view in para. 3 of its note dated 13th June 1952 that independent actions can be taken under section 4 of the Act and under section 292 of the Indian Penal Code is correct. Whether in this particular case action under section 292 of the Indian Penal Code is necessary after action has been taken under sections 11 and 4 is for the Department concerned todecide.

Id/-

11/7.

Remembrancer of Legal Affairs.

U.R. to H.D. No. 674-Confl., dated the 14th July 1952.

MRR.
20/6.

No.10 of 1952.

Advocate General's Chambers,
High Court,
Bombay, 2nd July 1952.

U\R. TO THE ADVOCATE GENERAL,
BOMBAY No. 660-Confl. Dated
26th June 1952.

Under s. 11 of the Press (Objectionable Matter) Act, 1951, (Act LVI of 1951), I grant certificate that the story "Badal Hava" and the story "Ramadevachya Katha- No.11" published in the Marathi Monthly issue "UNMAD" for the month of March, 1952, contain objectionable matter within the meaning of s. 3(6) of the said Act.

Sd/- MP. AMIN.
Advocate General of Bombay.

MSR.
20/6.

OFFICE OF THE R.L.A.

The article as a whole is directed not against Muslim religion but against alleged Muslim behaviour. The Court is not therefore likely to construe it as falling under section 295A of the Indian Penal Code. However it can be said that the article under the garb of historical narrative tries to make out Muslims as inveterate enemies of Hindus both by religion and by practice and thereby attempts to promote feelings of enmity and hatred between Hindus and Muslims; and that it may therefore become actionable under section 3(v) of the Press (Objectionable Matter) Act, 1951 and section 153A of the Indian Penal Code. However before reaching that conclusion, it seems necessary to consider the series of articles as a whole. As already stated in R.L.A's opinion No. 12373, dated the 26th July 1952 the entire series may be submitted for scrutiny after it is concluded.

Id/-
26/7.
Remembrancer of Legal Affairs.

U.R. to H.D.No.12435, dated the 28th July 1952.

MSR.
20/6.

OFFICE OF THE R.L.A.

Forwarded with compliments to the Advocate General, Bombay, for favour of his certificate under section 11 of the Press (Objectionable Matter) Act, 1951 in respect of the story 'Mokari' published in x the issue of 'Unmad' for the month of May 1952.

Id/-

18/7.

Remembrancer of Legal Affairs

U.R. to A.G.No. 695-Confl., dated the 19th July 1952

MSR.
20/6.

No.14 of 1952.

Advocate General's Chambers,
High Court,
Bombay, July 29, 1952.

U.R. TO THE ADVOCATE GENERAL, BOMBAY NO. 667-Confl., DATED 9TH JULY 1952.

Under section 11 of the Press (Objectionable Matter) Act, 1951, (Act LVI of 1951), I grant certificate that the s-tory x 'Nokari' published in the issue of 'Unmad' for the month of May 1952, contains objectionable matter within the meaning of sec. 3(6) of the said Act.

Sd/- M.P. Amin.
Advocate General of Bombay.

MSR.
20/6.

OFFICE OF THE R.L.A.

Forwarded with compliments to the Advocate General, Bombay, for favour of his certificate under section 11 of the Press (Objectionable Matter) Act, 1951 in respect of the 'Midnight Love Story' appearing in the issue of Kaati for the month of May 1952.

Id/-
18/7
Remembrancer of Legal Affairs.

U.O. to A.G.No. 696-Confl., dated the 19th July 1952.

MSR.
20/6.

No. 15 of 1952.

Advocate General's Chambers
High Court,
Bombay, July 29, 1952.

U.R. TO THE ADVOCATE GENERAL, BOMBAY No.661-Confl., DATED THE 10TH JULY 1952

Under S.11 of the Press (Objectionable Matter) Act, 1951, (Act LVI of 1951), I grant certificate that the story "Midnight Love Story" appearing in the issue of "Masti" for the month of May, 1952, contains objectionable matter within the meaning of S.3(6) of the said Act.

Sd/- M.P. Amin.

ADVOCATE GENERAL OF BOMBAY.

MSR.
20/6.

Office of the R.L.A.

A certificate of the Advocate General, Bombay, under section 11 of the Press (Objectionable Matter) Act, 1951 is forwarded herewith.

Id/-
1/8
Remembrancer of Legal Affairs.

U.R. to H.D.No. 751-Confl., dated the 1st August 1952.

MBR.
20/6.

Office of the R.L.A.

Forwarded with compliments to the Advocate General, Bombay, for favour of his certificate under section 11 of the Press (Objectionable Matter) Act, 1951.

Section 11 of the Press (Objectionable Matter) Act, 1951, is aimed at the publication itself and not at the person who made, printed or published it. Therefore any publication in circulation or existence which offends any of the provisions of section 3 of the Act, can invite action under section 11 of the Act.

The matter is therefore referred to the Advocate General, Bombay for his certificate under section 11.

Id/-
17/6.
Remembrancer of Legal Affairs.

U.R. to Adv. General, Bombay, No. 565-Confl., dated the 18th June 1952.

MSR.
20/6.

No.8 of 1952. ADVOCATE GENERAL'S CHAMBERS,
HIGH COURT.
Bombay, 27th June, 1952.

U.R. TO THE ADVOCATE BOMBAY.
No. 565-Confl. Dt. 18th June 1952.

I am of opinion that para. 30 of the Book entitled "Communist Party ke Sangatanke Siddhant" and quoted in the reference is likely to seduce members of the armed forces of the Union from their allegiance or their duty and is also likely to prejudice the discipline of such forces.

Under section 11 of the Press (Objectionable Matter) Act, 1951 (Act LVI of 1951) I grant certificate that the book entitled "Com-unist Partyke Sangathanke Siddhant" contains objectionable matter within the meaning of section 3(iv) of the said Act.

Sd/- M.P. Amin.
Advocate General of Bombay.

MSR.
20/6.

Office of the R.L.A.

The article "Bombay's Dark Era" is no doubt a strongly worded vituperative ~~xxxx~~ criticism of the Prohibition Policy in the Bombay State and of the Chief Minister of the State in respect of that policy, but it will be difficult to hold it as scurrilous.

Id/-
18/8.
Remembrancer of Legal Affairs.

U.R. to H.D.No. 13544, dated the 19th August 1952.

MSP.
20/6.

Office of the R.L.A.

The article falls into four parts. In the first part, after commenting on the insufficient quantity, bad quality and the rise in prices of the foodgrains, the writer accuses the Bombay Government to be heartless and unmoved by the sufferings of the people. The second part deals with the proposed new taxes, namely, the petrol tax, the multi-point sales tax and the land revenue surcharge and, after referring to the heavy burden of taxation in the Bombay State and to the wooing of the electorate done at the time of the elections the writer characterises the levying of these fresh imposts as immoral. In the third part, the writer criticises the attitude adopted by the Chief Minister in connection with these imposts. He is accused of ignoring the sufferings of the people and therefore running counter to the teachings of Gandhiji which he preaches and he is, therefore, described as a hypocrite He is also accused of being haughty and autocratic in dealing with people's delegations in these matters. And in this connection Shri Devkaran Nanji, who led one of the delegations, is stated to be worthy enough to keep 10 such pattawalas. The last part dwells on the alleged anti-Maharashtrian and pro-Gujarati attitude of the Chief Minister as evidenced from certain circumstances which the writer cites and he again accuses him of hypocrisy in that matter also.

The first two parts of the article are not scurrilous. The fourth part is defamatory and the third part is defamatory and abusive. But considering the article as a whole it would not be possible to pronounce it as scurrilous.

Id/-
29/8
Remembrancer of Legal Affairs.

U.R. to H.D., No. 14114, dated the 29th August 1958.
MSR.
30/8.

Office of the R.L.A.

The article purports to trace the origin and course of the Calcutta riots of pre-partition days. The object of the writer is to lay the blame at the door of the Muslims and a particular view of the history of other Muslim countries is put forward in support of the thesis. The writer no doubt advocates that the Muslims should be violently dealt with but this advice would be construed as applying to circumstances similar to the Calcutta riots and therefore would not be held to fall within section 3(ii) of the Press (Objectionable Matter) Act, 1951.

2. The R.L.A. would suggest that the whole series of articles may be reviewed after it is completed.

Id/-
25/7
Remembrancer of Legal Affairs.

U.R. to H.D., No. 12373, dated the 26th July 1952.

MSR.
20/6.

Office of the R.L.A.

The article ridicules the principle and policy of non-violence advocated by Mahatma Gandhi and attributes to that policy the riots and atrocities alleged to be perpetrated by Muslims on Hindus. The writer holds Mahatma Gandhi responsible for this and proceeds to impute dishonesty to him. The writer no doubt villifies Mahatma Gandhi and is at places abusive; but the article cannot be construed as scurrilous. As advised already, the entire series of articles should be considered for their true effect.

Id/-
8/9
Remembrancer of Legal Affairs.

U.R. to H.D., No. 14364, dated the 4th September 1952.

MSR.
20/6.

OFFICE OF THE R.L.A.

Forwarded with compliments to the Advocate General, Bombay for favour of his certificate under section 11 of the Press (Objectionable Matter) Act, 1951.

Id/-
16/8/52.
Remembrancer of Legal Affairs.

U.R. to the Advocate General, Bombay, No. 811-Confl.,
dated the 18th August 1952.

MSR.
20/6.

No.19 of 1952.

Advocate General's Chambers,
High Court,
Bombay, September 15, 1952.

U.R. to the Advocate General, Bombay,
No.811-Confl., dated the 18th August 1952.

Under s. 11 of the Press (Objectionable Matter) Act, 1951, (Act LVI of 1951), I grant certificate that the article "Thirst for beauty" published in the issue of "Chumban" for the month of July, 1952, contains objectionable matter within the meaning of S.3(6) of the said Act.

Sd/- M.P. Amin,
Advocate General of Bombay.

MSR.
20/6.

OFFICE OF THE R.L.A.

Forwarded with compliments to the Advocate General, Bombay for favour of his certificate under section 11 of the Press (Objectionable Matter) Act, 1951.

16/-
16/8.
Remembrancer of Legal Affairs.

U.R. to the Advocate General, Bombay, No. 812-Confl.,
dated the 18th August 1952.

MSR.
20/6.

No.18 of 1952.

Advocate General's Chambers
High Court,
Bombay, September 15, 1952.

U.R. to the Advocate General, Bombay,
No.812-Confl., dated the 18th August 1952.

Under section 11 of the Press (Objectionable Matter) Act, 1951 (Act LVI of 1951), I grant certificate that the story Chatak and the article "Adhunik Kamaswatantrya" published in the issue of "Masti" for the month of June, 1952, contain objectionable matter within the meaning of S.3(6) of the said Act.

Sd/- M.P. Amin,
Advocate General of Bombay.

MSR.
20/9.

Office of the R.L.A.

The R.L.A. finds himself unable to accept the view taken by the Government of India. Sub-section (5) of section 20 of the Press (Objectionable Matter) Act, 1951, provides:

> "In so far as the provisions of parts C, E, F and K of Chapter XXIII of the Code can be made applicable consistently with the provisions of this Act, the provisions of the said parts C, E and F shall apply to all inquiries under this section, and the provisions of the said part K shall apply to the preparation and revision of lists of jurors under this section."

The sub-section falls into two parts: one relating to inquiries and the other relating to the preparation and revision of lists of jurors. In respect of the first, the provisions of parts C, E and F only are made applicable. In respect of the second, the provisions of part K are made applicable. But the applicability of all parts, including part K, is governed by the opening clause of the sub-section, which requires that the provisions can be made applicable consistently with the provisions of this Act. It follows, therefore, that, if any provisions of part K is inconsistent with the provisions of the Act, that provision will not become applicable to the extent of such inconsistency. Section 321, which occurs in part K and the applicability of which is under consideration, provides that the Sessions Judge and the Collector of the District or such other officer as the Provincial Government appoints in this behalf shall prepare and make out the list, etc. This section casts the duty of preparing and making out the list upon the Sessions Judge and the Collector or, in lieu of the Collector, an officer appointed by Government. Sub-section (3) of section 20 of the Act,

however, provides that such officer as may be appointed by the State Government in this behalf shall prepare and make out a list, etc.; which means that the duty of preparing the list is cast only upon the officer appointed by Government under this section. Sub-section (3) cannot be construed to mean that the appointment under that provision is merely of an officer contemplated by section 321. If that was the intention, no such provision as sub-section (3) would at all be necessary, because the appointment of the officer could as well have been made under section 321 itself once that section was made applicable. It must, therefore, be held that inasmuch as the duty of preparing and making out the list is cast exclusively on the officer appointed under sub-section (3) of section 20 of the Act, section 321 which casts that duty upon the Sessions Judge and the Collector or the appointed officer would not be consistent with sub-section (3) of section 20 of the Act and, therefore, to that extent it cannot be made applicable. The Government Notification, Home Department (Political) No.7284/6-II dated the 1st February 1952 is in accordance with this opinion.

2. The R.L.A. would, however, point out that this is a question of importance in which it is absolutely necessary to have the correct legal practice uniformly adopted all over the country so as to leave no scope for the argument later that the proceedings are void because the list of jurors was itself not valid. It would, therefore, be advisable to get this question referred to the Attorney-General of India for an authoritative opinion. In the meantime, we may adhere to our view and need not interfere with the list of jurors already prepared in accordance with the notification.

3. In view of what has been said in paragraph 2 above, the prosecution may, however, be deferred until we get the Attorney-General's opinion.

Id/-

16/9

Remembrancer of Legal Affairs.

U.R. to H.D. (Poll) No.936/A-Confl., dated the 17th Sept. 1952.

MBR.
20/6.

Office of the R.L.A.

The first part of the article recalls the genesis and the use on various occasions of the war cry "Har Har Mahadeo", bringing out forcibly the significance that this cry was used for liquidating the enemies of Maharashtra for the time bxm being. In fact, in paragraph 4 it is stated in clear terms that the persons who oppressed the poor populace of Maharashtra were actually sacrificed like goats to the accompaniment of the recital of this mantra (cry) "Har Har Mahadeo". The article then points out that the strength and heroism behind this cry is not in evidence now. The article then goes on to say that injustice is being done to Maharashtra and those very persons whose faces Shivaji blackened by looting Surat thrice are now ruling over Maharashtra with their red faces and are summarily dismissing the legitimate demands of Maharashtra. Then comes the most objectionable sentence: If similar atrocities had been practised on the generation (namely, Shivaji's generation), if similar injustice had been done to them, they would have all broken out into the great war cry "Har Har Mahadeo".* The concluding paragraph is addressed to Maharashtra and says that if you want to carry on the tradition, if you want to seek revenge upon those who have dismembered Maharashtra and who are ruling over Maharashtra with injustice, if you want to live as human beings, then on this day of the 15th of August, give this message: "Sons of Maharashtra, rise; gird up you loins; saluto the goddess Bhavani and raise the war cry "Har Har Mahadeo".*

The article read as a whole leaves no room for doubt that the object is to incite the people of

Maharashtra against the so-called Gujarati rulers, and the incitement is directed to acts of violence having regard to the elaboration of the significance of the war cry and the occasions on which it was raised and practised. The article would, therefore, be objectionable both under clause (ii) and clause (v) of section 3 of the Press (Objectionable Matter) Act, 1951.

Id/-
24/9
Remembrancer of Legal Affairs.

U.R. to H.D. No. 15823/A, dated the 25th September 1952.

MSR.
20/6.

Office of the R.L.A.

Forwarded with compliments to the Advocate General, Bombay, for favour of his certificate under section 11 of the Press (Objectionable Matter) Act, 1951.

Id/-
1/10.
Remembrancer of Legal Affairs.

U.R. to the Adv.General, Bombay, No.1002/A-Confl., dated the 3rd October 1952.

MSR.
20/6.

No.20 of 1952. Advocate General's Chambers,
High Court,
Bombay, October 9, 1952.

U.R. to the Advocate General, Bombay,
No.1002/A Confl., dated 3rd October, 1952.

Under section 11 of the Press (Objectionable Matter) Act, 1951 (Act LVI of 1951), I grant certificate that the stroy entitled "Kamadevachya Katha" published in the issue of "Umad" for the month of August, 1952, contains objectionable matter within the meaning of section 3(6) of the said Act.

Sd/- M.P. Amin,
Advocate General of Bombay.

MSR.
20/6.

Office of the R.L.A.

Forwarded to the Advocate General, Bombay, for favour his certificate under section 11 of th Press (Objectionable Matter) Act, 1951.

2. The story by "Pushpadhanava" not only mak light of married obligations and chastity, and te -s to encourage illicit sexual intercourse in married life but contains descriptions which are calculated to inflame passions. It will tend to deprave the mind of those in whose hands the publication wil fall and is, therefore, obscene. The article "Vaivahik Jivanachi Laingik Baju"% is not obscene.

Id/-
8/10.
Remembrancer of Legal Affairs.

U.R. to the Advocate General, Bombay, No.1024/A-Confl., dated the 8th October 1952.

MSR.
20/10.

No.21 of 1952.

Advocate General's Chambers,
High Court,
Bombay, October 9, 1952.

U.R. to the Advocate General, Bombay,
No.1024/A-Confl., dated the 8th October
1952.

Under section 11 of the Press (Objectionable Matter) 1951 (Act LVI of 1951), I grant certificate that the story of "Mitrachen Rahasya" published in the issue of "Mastik" for the month of July, 1952, contains objectionable matter within the meaning of section 3(6) of the said Act.

Sd/- M.P. Amin,
Advocate General of Bombay.

MSR.
20/6.

Office of the R.L.A.

The article in the two issues of the Blitz on "Our Army" (although purporting to be a criticism of certain defects in organization and of certain concrete happenings) no doubt insidiously attempt to introduce ideologies of a People's Army a in China and Russia. However, they deal with criticisms of certain points of organisation and also of certain concrete happenings; and, therefore, judged by their tenor and contents, it would be difficult to hold them actionable under the Press (Objectionable Matters) Act, 1951.

Id/-
8/10
Remembrancer of Legal Affairs.

U.R. to H.D. No. 16649/A, dated the 9th October 1952.

MSR.
20/6.

Office of the R.L.A.

Forwarded with compliments to the Advocate General, Bombay, for favour of his certificate under section 11 of the Press (O.M.) Act, 1951.

Id/-
13/10
Remembrancer of Legal Affairs.

U.O. to the Advocate General, Bombay, No.1058/A-Confl dated the 13th October 1952.

No.22 of 1952.

Advocate General's Chambers
High Court,
Bombay, October 14, 1952.

U.R to the Advocate General, Bombay, No. 1058/A-Confl., dated the 15th October 1952.

Under s.11 of the Press (Objectionable Matter) Act, 1951 (Act LVI of 1951), I grant certificate that the two stories "Ek Rangeen Ratri and Janmasiddha Bakka" published in the issue of "Unmad" for the month of July,1952, contain objectionable matter within the meaning of S.3(6) of the said Act.

Sd/- M.P. Amin,
Advocate General of Bombay,

MSR.
20/6.

Office of the R.L.A.

The novel "Zapatlele Premi" contains descriptive passages of illicit sexual love and intercourse which are meant to excite sexual passion and encourage thoughts of libidinous character. It is therefore obscene.

Id/-
16/10.
Remembrancer of Legal Affairs.

U.R. to H.D.(Poll.), No.1081/A-Confl., dated the 17th October 1952.

MSR.
20/6.

Office of the R.L.A.

There is no objection to associating the Sessions Judge with the preparation of the list by the officer appointed under sub-section (3) of section 20 of the Press (Objectionable Matter) Act, 1951, but in order to avoid any technical arguments based on section 324(3) of the Criminal Procedure Code, care should be taken to see that no difference of opinion between the District Magistrate and the Sessions Judge as is envisaged by that section is brought on record.

Id/-
8/11
Remembrancer of Legal Affairs.

U.R. to H.D.No.18662/A, dated 10th November 1952.

MSR.
20/6.

Office of the R.L.A.

Forwarded with compliments to the Advocate General, Bombay for favour of his certificate under section 11 of the Press (O.M.) Act, 1951.

Id/-
11/11
Remembrancer of Legal Affairs.

U.R. to the Advocate General, Bombay, No.1227/A-Confl., dated the 12th November 1952.

MSR.
21/6.

No.24 of 1952.

Advocate General's Chambers,
High Court,
Bombay, November 19, 1952.

U.R. to the Advocate General, Bombay,
No.1227/A-Confl., dated the 12th November 1952.

Under section 11 of the Press (Objectionable Matter) Act, 1951 (Act LVI of 1951), I grant certificate that the stories

1. Kadakmayachi Thandi Hoti
2. Neelima
3. Gulabi Garva
4. Kamadevachya Katha

published inthe issue of the 'Unmad' for the month of September,1952, contain objectionable matter within the meaning of sec.3(6) of the said Act.

Sd/- M.P. Amin,
Advocate General of Bombay.

R.I. No. 1227- Confl.
20/11/52.

MSR.
21/6.

Office of the R.L.A.

Forwarded with compliments to the Advocate General, Bombay, for favour of his certificate under section 11 of the Press (Objectionable Matter) Act, 1951.

MS/-
25/10.
Remembrancer of Legal Affairs.

U.R. to the Adv.General, Bombay, No.1148/A-Confl., dated the 27th October 1952.

MSR.
31/6.

No.25 of 1952.

Advocate General's Chambers,
High Court,
Bombay, 19th November 1952.

U.O. to the Advocate General, Bombay,
No.1148/A-Confl., dated the 27th October 1952.

Under section 11 of the Press (Objectionable Matter) Act, 1951 (Act LVI of 1951), I grant certificate that the story 'Kamdhenhi Katha' published in the issue of 'Masti' for the month of August, 1952, contains objectionable matter within the meaning of sec.3(6) of the said Act.

Sd/- M.P. Amin,
Advocate General of Bombay.

R.I. No. 1886-Confl.
A- 20/11/52.

MSR.
21/6.

Office of the R.L.A.

Forwarded with compliments to the Advocate General, Bombay, for favour of his certificate under section 11 of the Press (Objectionable Matter) Act, 1951.

IA/-
24/10.
Remembrancer of Legal Affairs.

U.R. to the Adv.General, Bombay, No.1135/A-Confl., dated the 26th October 1952.

MSR.
21/6.

No. 83 of 1952.

Advocate General's Chambers,
High Court,
Bombay, November 19, 1952.

U.R. to the Advocate General of Bombay
No.1135/A-Confl., dated the 25th October 1952.

Under section 11 of the Press (Objectionable Matter) Act, 1951 (Act LVI of 1951), I grant certificate that the novel "Zapatlele Premi" published in the issue of the Marathi Monthly 'Premakatha' for the month of July, 1952, contains objectionable matter within the meaning of sec.3(6) of the said Act.

Sd/- M.P. Amin,
Advocate General of Bombay.

Bll. No.1288-Confl.
20/11/52.

MSR.
21/6.

Office of the R.L.A.

The article "Sexual Side of Married Life" advocates more freedom of discussion and action in matters of sex. It presents for consideration a point of view and is not obscene. H.D. view is correct.

2. The article "Like Rambha in bed" discusses the different roles of a wife in relation to her husband. In her husband's work she should, according to the writer, be her counsellor and helper; in the matters of her husband's food she should be like his mother and feed him with a mother's love and xx sweet persuasion; in obedience and service to him she should be like a dasi and at night in the bedroom she should be his fairy and charmer. The writer discusses each of these four roles and expands on the last and in doing so necessarily dwells on courting between husband and wife. Having regard to the subject and tone of the article as a whole and having regard to the fact that it is concerned with the promotion of domestic bliss between husband and wife, the passage objected to cannot be said to be obscene.

3. The article "Secret talks of (sexual) intercourse" describes the different stages of sexual intercourse, namely the courting, the entry, the climax and the orgasm. It particularly dwells on the necessity of seeing that the woman gets the necessary orgasm and does not remain unsatisfied and the discusses the means of achieving the orgasm. The description of courting is no doubt in excitable details and somewhat crude but taking the article as a whole the discussion of the stages and the means is objective, and follows the line of scientific analysis on these points by well known western writers on sex problems. The article is,

P.T.O.

therefore, not obscene.

Id/-

30/12.

Remembrancer of Legal Affairs.

U.R. to H.D.,No.22145/A,dated the 31st December 1962.

MSR.
21/6.